

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
EASTERN DIVISION
No. 4:12-CV-208-F

RONALD W. PHILLIPS.,

Plaintiff,

v.

REAL ESTATE PLUS, INC., HOME
BUILDERS ASSOCIATION OF
CRAVEN AND PAMLICO COUNTIES,
INC.,

Defendants.

ORDER

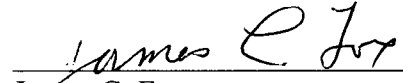
The court was informed by the mediator assigned to this matter that the remaining parties to this action had reached a complete settlement, and would be filing a stipulation of dismissal on or before December 20, 2013. Since that date, Plaintiff Ronald W. Phillips and Defendant Real Estate Plus, Inc., filed a Stipulation of Dismissal With Prejudice [DE-48], ostensibly pursuant to Federal Rule of Civil Procedure 41(a)(1)(ii).¹ The stipulation of dismissal was not signed by Defendant Home Builders Association of Craven and Pamlico Counties, Inc.

Based on the communication from the mediator in this action, and in accordance with this court's usual practice, this action is DISMISSED without prejudice to any party to reopen should settlement not be consummated on or before January 13, 2014. Unless the case is reopened, counsel are DIRECTED to file a joint stipulation of dismissal with prejudice that is compliant with Rule 41(a)(1)(ii) on or before that date. The Clerk of Court is DIRECTED to remove this matter from the undersigned's trial calendar.

¹ Rule 41(a)(1)(ii) provides generally that a plaintiff may dismiss an action with a court order by filing "a stipulation of dismissal signed by all parties who have appeared."

SO ORDERED.

This the 30th day of December, 2013.



James C. Fox
Senior United States District Judge